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ONE DOLLAR PER YEAR

TESTIMONY

Being Heard at a Rapid and Exceedingly Gratifying Pace.

STREET CAR EMPLOYEES WERE ON THE STAND.

They Tell of the Night of October 7, When Annie E. George Was an Alleged Passenger.

POLICEMEN ARE NEXT CALLED TO GIVE TESTIMONY

And a Lengthy Argument Results Between Contending Counsel—After Volumes of Law Had Been Referred to Judge Taylor Renders a Decision Which is Favorable to the Defense.

(From Tuesday's daily.)

At the Monday afternoon session, after the News-Democrat's report closed, Dr. A. B. Walker was cross-examined by Mr. Sterling. Particular inquiry was made as to the wounds and as to which one caused death. Dr. Walker said that the wounds were all alike so far as the caliber was concerned. The witness said that the brain was taken out and cut into small slices. The liver was not dissected, but the kidneys were cut open. The heart was cut open and all the valves were opened.

While this description of the cutting up of the body of the man she had loved and for whom she had left a husband and family was being made, Mrs. George sat with eyes downcast, so that they appeared to be almost closed. Her left elbow was resting on the table and her head rested on her nestly gloved left hand, in which she held her handkerchief. It was a cold-blooded story the doctors told in their abrupt professional way, and it had its effect on the accused. She seemed deeply moved as the surgeons recited the details, but whether it was grief for the dead that stirred her heart can only be conjectured. It was one of the trying ordeals that she encountered during the day.

T. C. McQUATE

Tells of the Clothes That Were Found and the Manner of Holding Them.

Theodore C. McQuate was coroner of Stark county when George D. Saxton was killed, and had charge of the body and the belongings of the deceased while pursuing his investigation. The clothes that were exhibited as those of Saxton have been locked up in the vault in the county treasurer's office. The clothes were identified as those of Saxton and were offered in evidence, as well as the bullets. First was offered the coat, then the vest. Mr. Welty objected to the admission of the vest, as Dr. E. D. Brant had said there were now more holes in it than there were at the time he saw it. He had qualified that statement but the court desired a little more testimony. The ex-cornor was recalled and gave some testimony as to the vest's condition.

Mr. Sterling also asked Mr. McQuate what he had done with other property. He said he turned over some keys to M. C. Barber and some other stuff to George Barber. He also turned some little things to Austin Lynch. He gave some letters to the prosecutor.

T. N. SHILLING

Examines the Vest and Doesn't Know About All the Holes in the Garment.

T. N. Shilling, the undertaker, was called to the stand to identify the vest that was taken from the body of George D. Saxton. He said the vest that was sought to be introduced was the same that he had taken from the body. To questions by Mr. Sterling witness said he wasn't sure there were the same number of holes in the vest then as now.

On this point it was necessary to recall Dr. E. D. Brant for a question or two. Dr. Brant said it still seemed to him that there were more holes now than when he saw it, and it was excluded, the defense objecting to it.

CONDUCTOR SHETLER.

Saw Mrs. George on a Street Car and Thinks She Got Off at Hazlett Avenue.

James Shetler, a conductor on the street railway line, said:

"On the night of October 7, Annie E. George got on the car that I was riding on. She got on after we left the square. I was on the front end of the car with Motorman Sam Hittenhouse, as I was off duty. Motorman Young was also there. As Mrs. George got on the car I do not

know whether the others saw her get on the car or not."

It was attempted to show that there was talk about the fact that Mrs. George was on the car, but the court would not allow it. In sustaining the defense's objection the court said:

"Shall suspicion be cast on a person because a number of street car men talk about her?"

Conductor Shetler created a small sensation in the court room in answer to the question by Mr. Pomerene:

"How was she dressed?"

"I do not know. She was not dressed in black, but I do not know what the color of her clothes was."

"Where did she get off the car?"

"West of the bridge. I think it was at Hazlett avenue."

He was cross-examined by Mr. Welty

WHERE THE MURDER WAS COMMITTED.



The Residence of Eva Althouse, the Black Spot indicating Where the Body of Saxton Was Found.

J. A. SHANAFELT

Saw Mrs. George on a Street Car and Says She Got Off at Hazlett Avenue.

J. A. Shanafelt, secretary and treasurer of the Canton Steel Roofing Co., resides in Kentucky avenue, which is west of Lincoln avenue. He left the office at 5:30 and took a street car for home.

"Do you know Mrs. George," asked the prosecutor.

"I think I know her by sight."

"Did you see her on the car?"

"I did."

"Where did she get on the car?"

"My best recollection is that she got on at the square."

"Where did she get off?"

"At Hazlett avenue."

"What time did you reach there?"

"I don't know exactly."

"Where was your attention first called to her?"

"I think at the Valley switch."

"How many were in the car?"

"I don't know."

"How was she dressed?"

"My recollection is she was dressed in black."

"Do you know what kind of a hat she had on?"

"No, I do not."

"Did she have on a wrap?"

"I believe she did."

"When did you come back up town?"

"After supper."

"Did you see Mrs. George again?"

"Yes; in front of the Presbyterian church."

"Was she alone?"

"No; some officers were with her."

On cross-examination by Mr. Sterling witness said the car stopped about three minutes at the Valley switch. Witness did not know whether the car stopped at the Valley railway, and did not remember any of the stops made nor how many got off at Hazlett avenue. He did not remember who signalled the car to stop. He had not known Mrs. George before that night.

Court here adjourned to Tuesday morning at 8:30.

TUESDAY MORNING.

John A. Shanafelt Was Again Placed Upon the Stand.

John A. Shanafelt was on the stand at the opening of court Tuesday morning. After the journal was read he was further interrogated by Mr. Welty, as to seeing Mrs. George on a street car.

"You are not certain about the time?"

"Just approximately."

"Did you look at your watch?"

"No sir."

"You do not know just what sort of a dress Mrs. George had on?"

"Well, it was a dark-colored dress."

"And you think the coat was black?"

"Yes sir."

"Do you know if the vestibules on the car were closed?"

"I don't think they were on then."

"Do you remember seeing the Duober shop people?"

"No sir."

"You do not know what kind of a hat she had on?"

"No sir; I didn't notice."

"You don't know whether it was white or black?"

"No sir."

"Then you do not know how she was dressed; you did not notice her particularly?"

"No, not particularly."

"When you saw her later she was supported by two policemen?"

"Well, I do not remember how many there were."

"But there were at least two?"

"Yes sir."

SAM HOWENSTINE

Says the Night Was Not Dark Nor the Grass Wet.

Sam Howenstine, another employe of the street railway company, was called next. He was in front of the street car barn on the night of the shooting. He had known Mrs. George since she lived at the Oberlin residence. He saw Mrs. George on a street car which was in charge of Motorman Hittenhouse. The car passed about 6 o'clock. Witness later went to the Althouse residence later with Officer Smiley and assisted to make a search through the fields and across vacant lots.

"What kind of a night was it?"

"I don't think it was very dark."

"What was the condition of the grass on those vacant lots?"

"It was dry."

Mr. Howenstine was interrogated by Mr. Welty.

"How do you fix the time?"

"By the time that Valley train came in."

"Do you know whether the train was late or not?"

"No sir; but it was about 6 o'clock when the car went past."

"There was nothing unusual about the street car, was there?"

"No sir."

"Nothing to attract your attention especially?"

"No sir; I just looked into it and saw Mrs. George in there."

"You just remember that?"

"Yes, I remember it now; but probably I wouldn't under other circumstances."

"That is, you wouldn't have remembered it at all if Mrs. George had not been arrested?"

"No sir."

"Do you know whether it had rained that night?"

"It was not raining."

"You say the grass was dry?"

"Yes sir."

"Don't you know it had been raining all day?"

"No sir, I don't. It wasn't raining then, anyway."

"In all your search you didn't see Mrs. George, did you?"

"No sir."

"You didn't see her again that night?"

"No sir."

"You say it was not dark that night?"

"No, not very dark."

"It was a light night?"

"Yes, it was a light night."

"Very light?"

"Well, just medium."

"Did the coroner take your testimony?"

"No sir; I told him I knew something about the case, but he didn't take the evidence. He thought I was fooling."

CHARLES RITTENHOUSE

Says Mrs. George Took the Car at High Street.

Charles Rittenhouse, a motorman on the street railway line, was next called.

He was on duty between 4:30 and 11 of the night of the shooting. He was on the east and west line after 5:30.

"Do you remember going west with some of the street railway men?" asked Mr. Pomerene.

"Yes sir; James Shetler and Jesse C. Taylor were on the car."

"Did they ride with you more than once that night?"

"I think not."

"What time did you leave the square?"

"About 5:45."

"What was the schedule time?"

"We were a little late. The schedule was 5:42."

"How many stops did you make?"

"I don't know whether it was half a dozen times or not."

"Did you stop at High street?"

"Yes sir."

"Who got on the car there?"

"A lady got on."

"How was she dressed?"

"She was dressed in a dark colored dress and had a light hat on. I didn't notice her particularly as to dress."

"What time did you get to Hazlett avenue?"

"About five minutes to six."

"Did you stop any other places?"

"I don't remember."

"How many persons got off the car at Hazlett avenue?"

"A man and a woman."

"Where did the woman get off that got on at High street?"

"At Hazlett avenue."

"Which direction did she go?"

"I didn't notice her after she left the car."

Mr. Sterling conducted the cross-examination. Witness said quite a stop was made at the Valley, as the east bound car was late. He said it was usually late, as the run was longer than from the square.

"Was there an electric light at Hazlett avenue that night?"

"I think there was."

"Isn't it a common occurrence in the evening, there being no conductor on the car, to carry people past the place where they desire to get off?"

"Not that I know of."

It is the evident intention of the defense, from the question, to suggest that Mrs. George was on the way home when she was on the car, and that she was carried past her home to Hazlett avenue, whether this line of defense will be carried further than the mere suggestion of it.



JAMES STERLING, ATTORNEY FOR DEFENSE.

JUDGE T. T. McCARTY

Testifies as to the Injunction Saxton Had Procured.

Judge T. T. McCarty took the stand. He said Mrs. George called on him at his home.

"He asked me," said Judge McCarty, "if she could not go to the Saxton block and see Mr. Saxton. I told her the injunction was still in force and that it would not be proper for her to go. She said she had promised to have the injunction dissolved. I told her it was still in force. She said something about that being not the only promise Saxton had made her that he did not keep. She told me she wanted to see Saxton, and asked if he would not be proper to call on him at his home. I told her she would better keep away from Saxton, and suggested that she write him a note. She said she did not believe he would see her. I told her that I believed he would. She said she did not want to violate any rule of the court, and she left and I returned to my evening meal, which her call had interrupted."

On cross-examination by Mr. Welty, Judge McCarty said the conversation was carried on in a usual tone of voice and that he observed nothing unusual about Mrs. George's demeanor.

MRS. VIRGINIA NOBLE

Who Took Mrs. George Up on the Elevator, Testifies.

Mrs. Virginia Noble, wife of the janitor of the Danneberg block, who operated the street railway line, was next called.

ON A BENCH

Mrs. Althouse and George D. Saxton Were Talking Matters Over.

MRS. GEORGE BEHIND A CONVENIENT TREE

Listening to the Conversation the Lovers Were Carrying on at Meyer's Lake.

A STORY AS RELATED BY A STATE WITNESS.

He Also Says That He Saw Mrs. George in the Hallway of the Saxton Block and That She Had a Revolver in Her Hand—Somewhat Remote and Defendant's Attorneys Say There are Some Discrepancies Which Minimize its Importance.

(From Wednesday's daily.)

It is simply a question of opinion as to who had the best of it in the evidence adduced at the trial of Annie E. George yesterday. The story of the burnt powder is important, if the state can make it stick till the trial ends, yet one of the state's witnesses was not just certain that it was burnt powder. In appearance it might have been coal black, but each of the officers who testified about it insisted that it smelled like burnt powder. What the defense will show about that feature of the case cannot be known.

The evidence concerning the treatment of Mrs. George after she was arrested caused a great deal of comment among the people. Before she had any opportunity to consult counsel she was taken to police headquarters by four policemen,

amusing to hear the comments on the great surprise that was sprung on the defense in the testimony of Judge McCarty. Certainly they knew of it. If Mrs. George was there, and there is no reason to doubt it, she must have known about it and must have told her attorneys. They knew what to expect and what would be claimed by the state. They were satisfied with the story and brought out prominently that Mrs. George was not agitated, but that her demeanor was calm and there was nothing unusual in her appearance.

Officer Henry Piero took his place in the witness box when court opened Tuesday afternoon. The argument as to the admissibility of evidence concerning Mrs. George's silence under arrest continued. Attorney Grant argued at some length for the state, and numerous authorities were cited.

The question asked by Officer Piero of Mrs. George was as to why she went west on a street car just before the tragedy. The court confined his ruling to that question and not as to the broader question of silence giving consent. The decision of the court was plain and concise. There wasn't anything ambiguous about it. Judge Taylor said that the law protected a defendant; that she could go on the stand if she desired, or need not, and that the fact that she did not could not be construed against her. "She could not be placed on the stand in court against her own will," said Judge Taylor, "and does counsel now insist that she can be placed on the stand in an improvised police court on a street car or on the curb? I do not believe in any such doctrine. The objection is sustained."

The question that it was desired to be introduced was put into the record but not in the hearing of the jury.

POLICEMAN PIERO

Continues His Testimony Concerning the Night of the Murder.

Officer Piero was further interrogated, and Mr. Welty insisted that the record show that the accused asked for counsel. "Did you examine her forehead for a thumb?" inquired Mr. Grant.

"Yes sir; I looked at it and it was discolored."

"Did you smell of it?"

"Yes, I smelled her hand."

"Are you able to give an opinion as to what discolored her hand?"

"Yes sir; it seemed to be discolored by powder."

"What was her condition?"

"She was excitable and worn, and perspired freely."

"What was the condition of her clothes?"

"There were burdock burrs and Spanish needles on her dress."

"What did you do with the burrs and Spanish needles?"

"We picked them off, put them in an envelope and Samuel Bocherer sealed them up, and they remained in his charge."

"When did you next see them?"

"Before the grand jury."

"What was their condition then?"

"They were in an envelope, closed and sealed."

"Did Mrs. George know you were picking the burrs from her skirt?"

"Yes sir."

"Who picked them off?"

"I picked some of them off and Officer McClelland and Turnkey Bocherer picked some."

"Was the skirt on her while you were picking them off?"

"Yes sir."

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